

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

XPOINT TECHNOLOGIES, INC.,

Plaintiff,

v.

MICROSOFT CORP., et al.,

Defendants.

Civil Action No. 09-CV-00628 (SLR)

STIPULATION AND ORDER FOR EXTENSION OF TIME

IT IS HEREBY STIPULATED by Plaintiff and Defendants Toshiba Corp. ("Toshiba") and Toshiba America Information Systems, Inc. ("Toshiba AIS"), subject to the approval of the Court, that:

1. Toshiba and Toshiba AIS waive in the above-captioned case, any defenses or objections to personal jurisdiction, any defect in the Summons, and service of the Summons, and September 18, 2009 Amended Complaint; and
2. Toshiba and Toshiba AIS' time to answer, move against or otherwise respond to the Amended Complaint in this action shall be extended to and including December 18, 2009.

BOUCHARD MARGULES &
FRIEDLANDER, P.A.

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SO ORDERED, this _____ day of _____, 2009.

Judge